

UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

GIORGIO GOMELSKY,

On behalf of himself and all others similarly
situated,

Plaintiff

v.

APPLE INC.,

Defendant

E-filing

ADR Civil Action No.

C 08 04969

PVT

Summons in a Civil Action

To: APPLE INC.

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

CALDWELL LESLIE & PROCTOR, PC

Robyn C. Crowther

Albert Giang

1000 Wilshire Blvd., Suite 600

Los Angeles, CA 90017-2463

213-629-9040

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

OCT 30 2008

Date: _____

Richard W. Wiking

Name of clerk of court

Tiffany Salinas-Harwell

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on _____, by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
_____; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

Date:

Server's signature

Printed name and title

Server's address